

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 904.108, the Iowa Department of Corrections hereby gives Notice of Intended Action to amend Chapter 20, “Institutions Administration,” Chapter 44, “Work Release,” Chapter 45, “Parole,” and Chapter 47, “OWI Programs,” Iowa Administrative Code.

The purpose of the proposed amendments to Chapter 20 is to provide offenders and their families and friends the option of communicating by electronic means. The purpose of the proposed amendments to Chapters 44, 45, and 47 is to ensure that the Judicial District Department of Correctional Services administrative rules are consistent with policies/procedures governing medical care to work releasees, parolees, and OWI offenders. The proposed amendments include nonsubstantive, technical updates related to offender time loss appeals to conform to the Iowa Code, notification to the Parole Board, and fees for OWI offenders.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 3, 2010. Such written material should be sent to the Department of Corrections, Legal and Policy Division, 510 E. 12th Street, Des Moines, Iowa 50319.

There will be a public hearing on August 3, 2010, from 11 a.m. to 1 p.m. in the First Floor Conference Room at the Iowa Department of Corrections, Jessie M. Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa, at which time persons may present their views orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Corrections and advise of specific needs.

These amendments are intended to implement Iowa Code section 904.108.

The following amendments are proposed.

ITEM 1. Amend rule 201—20.4(904), introductory paragraph, as follows:

201—20.4(904) Mail. Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Offenders have the responsibility in the use of correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for offender use of the mail. Mail is additionally governed by the provisions of department of corrections policy OP-MTV-01.

ITEM 2. Adopt the following new paragraph **20.4(3)“x”**:

x. O-mail. “O-mail” is electronic mail that can be sent to and from offenders and the public.

(1) The offender’s family and friends shall be responsible for registering on the corrlinks Internet site to enroll in the O-mail system: <http://www.corrlinks.com>.

(2) Each O-mail message is limited to two pages, and attachments are not allowed.

(3) There is a cost for sending an O-mail message, which shall be the responsibility of the sender.

(4) Incoming and outgoing O-mail shall meet the same standards as referenced in this rule for offender mail.

(5) Staff may review the contents of O-mail messages.

ITEM 3. Amend paragraph **44.1(2)“c”** as follows:

c. The district departments shall have written policies which establish facility rules, possible sanctions and appeal procedures for all residents. ~~The final appeal step on any reports resulting in the loss of time or removal from the honor roll shall be the deputy director of the department of corrections or designee.~~

ITEM 4. Amend subrule 45.1(6) as follows:

45.1(6) *Hospitalization Medical services.* ~~The director of the department of corrections may send indigent parolees to the university hospitals at the University of Iowa for needed medical services without the court order required in other cases pursuant to Iowa Code section 255.29. The district department shall have written policies and procedures which govern the medical care of parolees in case of emergencies, sudden illnesses, accidents, or death.~~

ITEM 5. Amend subrule 45.4(2) as follows:

45.4(2) *Detention.* A parole officer, with supervisory approval, may arrest a parolee when there is probable cause to believe the parolee has violated conditions of parole which may result in parole revocation. The arresting agent may request temporary detention of the parolee in a local detention facility. In such cases, all actions of the agent shall be in accordance with Iowa Code sections 908.1 and 908.2. ~~A parole officer may also proceed without arrest by filing a complaint with the Iowa board of parole pursuant to Iowa Code section 908.8. When a parolee is arrested the agent shall immediately notify the board of parole.~~

~~A complaint, which is a preliminary parole violation information, shall be filed with the magistrate at the time of the initial appearance.~~

ITEM 6. Amend subrule 47.3(4) as follows:

47.3(4) The district department shall maintain a schedule of daily fees to be assessed to offenders. ~~The fee schedules shall be based on a minimum of \$10 per day; however, if in the opinion of the facility director or designee the offender is unable to pay the full amount, a reduced fee will be set and the balance of the fee up to \$10 shall accumulate and be assessed at such time as the offender is able to pay. If the offender is directly paying the substance abuse treatment provider, the fee schedule shall be appropriately reduced but not be less than \$5 per day.~~

ITEM 7. Amend subrule 47.4(10) as follows:

47.4(10) ~~The district department shall comply with established policies and develop procedures to ensure that all nonemergency medical treatment required by indigent offenders is obtained at the University of Iowa Hospitals. The district department shall have written policies and procedures which govern the medical care of OWI offenders in case of emergencies, sudden illnesses, accidents, or death.~~